



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,782	06/30/2003	Jeffrey L. Wise	IS01307MCG	1894
23330	7590	07/01/2008		
MOTOROLA, INC. LAW DEPARTMENT 1303 E. ALGONQUIN ROAD SCHAUMBURG, IL 60196			EXAMINER LEVITAN, DMITRY	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 07/01/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/611,782

**Applicant(s)**

WISE ET AL.

**Examiner**

Dmitry Levitan

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 52-126 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 52-126 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Amendment, filed 5/27/08, has been entered. Claims 52-126 remain pending.

### ***Specification***

1. The disclosure is objected to, because text on page 6 and corresponding Figure 2, directed to Clos network, as two groups of switches interconnected, as two stage/tier network, contradicts the traditional concept of Clos networks, which comprises at least three stage/tier network: ingress stage, middle stage and the egress stage, as shown in the following references:

- a. Zola, US 4,400,627, Summary and Fig.2-7;
- b. Grinsec, Electronic switching, Elsevier Science, 1983, pages 99-100 and Fig. 5;
- c. Charles Clos, A study of non-blocking switching network, Bell System Technical Journal, March 1953, 32 (5), pages 406-424
- d. Clos network, Wikipedia, pages 1-5, 2007.

Examiner requests Applicant to provide evidence in support of network 222 on Fig. 2, which connects first tier of switches 202 with second tier of switches 204, being a Clos network.

### ***Claim Objections***

1. Claims 64, 65, 89, 90, 114 and 115 are objected to because of the following informalities: identical claims 64 and 65, 89 and 90, 114 and 115. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

1. Claims 52-126 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 52, 77 and 102 comprise limitations introducing new matter, as the claims limitations, directed to three stage/tier network that has a characteristic of a Clos network are not supported by the Application, as filed.

Claims 52 and 102 limitations, directed to left side switches functioning as both input and output stages and right side switches functioning as a center stage, are not supported by the Application, as filed, and are introducing new matter.

Claim 77 limitations, directed to a first tier including a left side switch of the M left side switches; a second tier including the N right side switches; and a third tier including the M left side switches excluding the left side switch in the first tier, are not supported by the Application, as filed, and are introducing new matter.

The rest of the claims are rejected as the claims depending on the rejected claims.

2. Claims 53, 55-63, 78, 80-88, 103 and 105-113 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not provide sufficient details to enable a skilled in the art to make and use the invention because it does not adequately describe the following:

Regarding claims 53, 55, 78, 80, 103 and 105, how to couple Clos network with bi-delta network between left side switches and right side switches.

The specification does not provide enough details about the structure and operation of the elements associated with the above identified claimed features to enable one skilled in the art to make and use the invention without undue experimentation.

The rest of the claims are rejected as the claims depending on the rejected claims.

3. Claims 52-126 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 52, 77 and 102 limitations directed to "Clos network" are unclear, because it is not understood what is Clos network in the light of the disclosure, contradicting traditional concept of Clos networks.

Claims 53, 55, 78, 80, 103 and 105 limitations, directed to Clos network and bi-delta network coupled to operate among a plurality of left side switches and a plurality of right side switches, are unclear, because it is not understood how the mentioned two networks are connected.

The rest of the claims are rejected as the claims depending on the rejected claims.

***Response to Arguments***

4. Applicant's arguments filed 5/27/08 have been fully considered but they are not persuasive.

Applicant failed to support new claims with any related portions of the Application.

The objection to the disclosure, raised in all preceding Office Actions of this case, regarding Clos network, was not addressed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dmitry Levitan  
Primary Examiner  
Art Unit 2616

/Dmitry Levitan/  
Primary Examiner, Art Unit 2616